

House File 2531

H-8589

Amend House File 2531 as follows:

1. Page 42, after line 29 by inserting:

<DIVISION \_\_\_\_\_  
WEAPONS \_\_\_\_\_

Sec. \_\_\_\_\_. Section 724.7, Code 2009, is amended to read as follows:

**724.7 Nonprofessional permit to carry weapons.**

Any person who ~~can reasonably justify going armed~~  
~~may~~ is not disqualified under section 724.8, who  
satisfies the training requirements of section 724.9,  
and who files an application in accordance with  
section 724.10 shall be issued a nonprofessional permit  
to carry weapons. Such permits shall be on a form  
prescribed and published by the commissioner of public  
safety, which shall be readily distinguishable from  
the professional permit, and shall identify the holder  
thereof, and state the reason for the issuance of the  
permit, and the limits of the authority granted by such  
permit of the permit. All permits so issued shall be  
for a definite period as established by the issuing  
officer, but in no event shall exceed a period of  
~~twelve months~~ five years and shall be valid throughout  
the state except where the possession or carrying of a  
firearm is prohibited by state or federal law.

Sec. \_\_\_\_\_. Section 724.8, Code 2009, is amended by  
striking the section and inserting in lieu thereof the  
following:

**724.8 Persons eligible for permit to carry weapons.**

No professional or nonprofessional permit to carry  
weapons shall be issued to a person who is prohibited  
by federal law from shipping, transporting, possessing,  
or receiving a firearm.

Sec. \_\_\_\_\_. Section 724.9, Code 2009, is amended by  
striking the section and inserting in lieu thereof the  
following:

**724.9 Firearm training program.**

1. An applicant shall demonstrate knowledge of  
firearm safety by any of the following means:

a. Completion of any national rifle association  
firearms safety or firearms training course.

b. Completion of any firearms safety or firearms  
training course available to the general public  
offered by a law enforcement agency, community  
college, college, private or public institution or  
organization, or firearms training school utilizing  
instructors certified by the national rifle association  
or the department of public safety or another state's  
department of public safety, state police department,  
or similar certifying body.

c. Completion of any law enforcement firearms

1 safety or firearms training course or class offered  
2 for security guards, investigators, special deputies,  
3 or any division or subdivision of a law enforcement or  
4 security enforcement agency.

5 d. Completion of small arms training while serving  
6 with the armed forces of the United States as evidenced  
7 by any of the following:

8 (1) For personnel released or retired from active  
9 duty, possession of an honorable discharge or general  
10 discharge under honorable conditions.

11 (2) For personnel on active duty or serving in  
12 one of the national guard or reserve components of  
13 the armed forces of the United States, possession of  
14 a certificate of completion of basic training with a  
15 service record of successful completion of small arms  
16 training and qualification.

17 e. Previously having held a license to carry a  
18 firearm in this state, any political subdivision of  
19 this state, or in a state recognized under section  
20 724.11A, unless such license was revoked for cause.

21 f. Completion of a law enforcement agency firearms  
22 training course that qualifies a peace officer to carry  
23 a firearm in the normal course of the peace officer's  
24 duties.

25 2. Evidence of qualification under this section may  
26 be documented by any of the following:

27 a. A photocopy of a certificate of completion or  
28 any similar document indicating completion of any  
29 course or class identified in subsection 1.

30 b. An affidavit from the instructor, school,  
31 organization, or group that conducted or taught a  
32 course or class identified in subsection 1 attesting to  
33 the completion of the course or class by the applicant.

34 c. A copy of any document indicating participation  
35 in any firearms shooting competition.

36 d. A copy of a license described in subsection 1,  
37 paragraph "f".

38 3. An issuing officer shall not condition the  
39 issuance of a permit on training requirements that are  
40 not specified in or that exceed the requirements of  
41 this section.

42 Sec. \_\_\_\_\_. Section 724.10, Code 2009, is amended to  
43 read as follows:

44 **724.10 Application for permit to carry weapons —**  
45 **~~criminal history background check required.~~**

46 1. A person shall not be issued a permit to carry  
47 weapons unless the person has completed and signed an  
48 application on a form to be prescribed and published  
49 by the commissioner of public safety. The application  
50 shall ~~state~~ require only the full name, driver's

1 license or nonoperator's identification card number,  
2 residence, place of birth, and age of the applicant,  
3 and shall state whether the applicant ~~has ever been~~  
4 ~~convicted of a felony, whether the person is addicted~~  
5 ~~to the use of alcohol or any controlled substance, and~~  
6 ~~whether the person has any history of mental illness or~~  
7 ~~repeated acts of violence~~ meets the criteria specified  
8 in sections 724.8 and 724.9. An applicant may provide  
9 the applicant's social security number if the applicant  
10 so chooses. The applicant shall also display an  
11 identification card that bears a distinguishing number  
12 assigned to the cardholder, the full name, date of  
13 birth, sex, residence address, and a brief description  
14 and colored photograph of the cardholder.

15 2. The sheriff issuing officer, upon receipt  
16 of an initial or renewal application under this  
17 section, shall ~~conduct~~ immediately conduct a criminal  
18 history background check concerning each applicant by  
19 obtaining criminal history data from the department of  
20 public safety which shall include an inquiry of the  
21 national instant criminal background system maintained  
22 by the federal bureau of investigation or any successor  
23 agency.

24 3. A person who knowingly makes a false statement  
25 of material fact on the an application submitted under  
26 this section or who knowingly submits any materially  
27 falsified or forged document in connection with such  
28 application commits a class "D" felony an aggravated  
29 misdemeanor.

30 Sec. \_\_\_\_. Section 724.11, Code 2009, is amended to  
31 read as follows:

32 **724.11 Issuance of permit to carry weapons.**

33 1. Applications for permits to carry weapons shall  
34 be made to the sheriff of the county in which the  
35 applicant resides. Applications from persons who are  
36 nonresidents of the state, or whose need to go armed  
37 arises out of employment by the state, shall be made  
38 to the commissioner of public safety. In either case,  
39 the issuance of the permit shall be by and at the  
40 discretion of the sheriff or commissioner, who shall,  
41 before issuing the permit, shall determine that the  
42 requirements of sections 724.6 to 724.10 have been  
43 satisfied. However, the training program requirements  
44 in section 724.9 may shall be waived for renewal  
45 permits.

46 2. The issuing officer shall collect a fee of  
47 ten fifty dollars, except from a duly appointed peace  
48 officer or correctional officer, for each permit  
49 issued. Renewal permits or duplicate permits shall be  
50 issued for a fee of five twenty-five dollars, provided

1 the application for such renewal permit is received  
2 by the issuing officer at least thirty days prior to  
3 the expiration of the applicant's current permit.  
4 The issuing officer shall notify the commissioner of  
5 public safety of the issuance of any permit at least  
6 monthly and forward to the commissioner an amount  
7 equal to two dollars for each permit issued and one  
8 dollar for each renewal or duplicate permit issued.  
9 All such fees received by the commissioner shall be  
10 paid to the treasurer of state and deposited in the  
11 operating account of the department of public safety  
12 to offset the cost of administering this chapter.  
13 ~~Any Notwithstanding section 8.33, any unspent balance~~  
14 ~~as of June 30 of each year shall revert to the general~~  
15 ~~fund as provided by section 8.33 of the state.~~  
16 3. The sheriff or commissioner of public safety  
17 shall approve or deny an initial or renewal application  
18 submitted under this section within thirty days of  
19 receipt of the application. If the issuing officer  
20 has not received a response to an information request  
21 necessary to determine the applicant's eligibility at  
22 the end of the thirty-day period and the applicant is  
23 not otherwise disqualified, the issuing officer shall  
24 issue a conditional permit to the applicant. The  
25 conditional permit shall be readily distinguishable  
26 in appearance from a five-year permit and shall be  
27 immediately revoked if the information subsequently  
28 received indicates the applicant is ineligible for a  
29 permit and the application is denied. A person whose  
30 application for a permit under this chapter is denied  
31 may seek review of the denial under section 724.21A.  
32 Sec. \_\_\_\_\_. NEW SECTION. 724.11A Reciprocity.  
33 1. The commissioner of public safety shall compare  
34 the provisions of sections 724.7 and 724.8 with similar  
35 statutes of other states to determine whether such  
36 state's laws are similar to or exceed the requirements  
37 of sections 724.7 and 724.8. The commissioner shall  
38 seek a reciprocity agreement with each state whose laws  
39 are similar to or exceed the requirements of sections  
40 724.7 and 724.8.  
41 2. A valid nonprofessional permit or license to  
42 carry weapons recognized in this state pursuant to  
43 subsection 1 shall have the same legal effect as a  
44 nonprofessional permit to carry weapons issued under  
45 this chapter, except that such permit shall not be  
46 considered to be a substitute for an annual permit to  
47 acquire weapons issued pursuant to section 724.15.  
48 Sec. \_\_\_\_\_. Section 724.17, Code 2009, is amended to  
49 read as follows:  
50 724.17 Application for annual permit to acquire —

1 **criminal history check required.**

2 The application for an annual permit to acquire  
3 pistols or revolvers may be made to the sheriff of the  
4 county of the applicant's residence and shall be on a  
5 form prescribed and published by the commissioner of  
6 public safety. The application shall state require  
7 only the full name of the applicant, the driver's  
8 license or nonoperator's identification card number of  
9 the applicant, the residence of the applicant, and the  
10 age and place of birth of the applicant. The applicant  
11 shall also display an identification card that bears  
12 a distinguishing number assigned to the cardholder,  
13 the full name, date of birth, sex, residence address,  
14 and brief description and colored photograph of the  
15 cardholder, or other identification as specified by  
16 rule of the department of public safety. The sheriff  
17 shall conduct a criminal history check concerning  
18 each applicant by obtaining criminal history data  
19 from the department of public safety which shall  
20 include an inquiry of the national instant criminal  
21 background system maintained by the federal bureau of  
22 investigation or any successor agency. ~~A person who~~  
23 ~~knowingly makes a false statement of material fact on~~  
24 ~~the application commits a class "D" felony.~~ A person  
25 who knowingly makes a false statement of material fact  
26 on an application submitted under this section or who  
27 knowingly submits any materially falsified or forged  
28 document in connection with such application commits  
29 an aggravated misdemeanor.

30 **Sec. \_\_\_\_.** **NEW SECTION. 724.21A Hearing on denial**  
31 **or revocation of permit to carry weapons and permits to**  
32 **acquire pistols or revolvers.**

33 1. In any case where the sheriff or the  
34 commissioner of public safety denies an application  
35 for or revokes a permit to carry weapons or an annual  
36 permit to acquire pistols or revolvers, the applicant  
37 or permit holder shall have the right to appeal the  
38 denial or revocation of the permit to an administrative  
39 law judge in the department of inspections and appeals  
40 within thirty days of receiving written notice of the  
41 denial or revocation.

42 2. The applicant or permit holder may file an  
43 appeal with an administrative law judge by filing a  
44 copy of the denial or revocation notice with a written  
45 statement that clearly states the applicant's reasons  
46 rebutting the denial or revocation along with a fee  
47 of ten dollars. Additional supporting information  
48 relevant to the proceedings may also be included.

49 3. The administrative law judge shall grant an  
50 aggrieved applicant an opportunity to be heard within

1 forty-five days of receipt of the request for an  
2 appeal. The hearing may be held by telephone or video  
3 conference at the discretion of the administrative law  
4 judge. The administrative law judge shall receive  
5 witness testimony and other evidence relevant to the  
6 proceedings at the hearing.

7 4. Upon conclusion of the hearing, the  
8 administrative law judge shall order that the denial  
9 or revocation of the permit be either rescinded or  
10 sustained. An applicant, permit holder, or issuing  
11 officer aggrieved by the final judgment of the  
12 administrative law judge shall have the right to  
13 judicial review in accordance with the terms of the  
14 Iowa administrative procedure Act, chapter 17A.

15 Sec. \_\_\_\_\_. Section 724.25, subsection 1, Code 2009,  
16 is amended to read as follows:

17 1. As used in ~~sections 724.8, subsection 2,~~  
18 ~~and section 724.26,~~ the word "*felony*" means any offense  
19 punishable in the jurisdiction where it occurred  
20 by imprisonment for a term exceeding one year, but  
21 does not include any offense, ~~other than an offense~~  
22 ~~involving a firearm or explosive,~~ classified as a  
23 misdemeanor under the laws of the state and punishable  
24 by a term of imprisonment of two years or less.

25 Sec. \_\_\_\_\_. Section 724.27, Code 2009, is amended to  
26 read as follows:

27 **724.27 Offenders' rights restored.**

28 1. The provisions of section 724.8, ~~subsection~~  
29 ~~2,~~ section 724.15, subsection 1, ~~paragraphs "b" and~~  
30 ~~"e",~~ and section 724.26 shall not apply to a person who  
31 is eligible to have the person's civil rights regarding  
32 firearms restored under section 914.7 ~~and who is~~  
33 ~~pardoned or has had the person's civil rights restored~~  
34 ~~by the President of the United States or the chief~~  
35 ~~executive of a state and who is expressly authorized~~  
36 ~~by the President of the United States or such chief~~  
37 ~~executive to receive, transport, or possess firearms or~~  
38 ~~destructive devices.~~ if any of the following occur:

39 a. The person is pardoned by the President of the  
40 United States or the chief executive of a state for a  
41 disqualifying conviction.

42 b. The person's civil rights have been restored  
43 after a disqualifying conviction, commitment, or  
44 adjudication.

45 c. The person's conviction for a disqualifying  
46 offense has been expunged.

47 2. Subsection 1 shall not apply to a person whose  
48 pardon, restoration of civil rights, or expungement of  
49 conviction expressly forbids the person to receive,  
50 transport, or possess firearms or destructive devices.>

1      2. By renumbering as necessary.

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PAULSEN of Linn